

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35922 of 2019

Date of Decision: 16.09.2019

Gurdit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vishal Sharma Haritwal, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. J.S. Khattar, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.85 dated 01.07.2019 registered for offences punishable under Sections 323, 324, 326 read with Section 34 of Indian Penal Code, at Police Station Dohara, District Khanna.

Heard.

Present FIR was registered for the injuries caused to complainant on 30.06.2019 in the morning at 07.30 a.m. In the FIR, complainant has alleged that injuries were caused to him by some unidentified persons including the one who was having iron *dah* and tried to cause injuries on his head, which was taken by him on his left hand.

Learned State counsel on instructions from SI Harpal Singh submits that on 04.07.2019, the police has recorded supplementary statement of complainant, wherein he has named all the accused. The petitioner is alleged to

have been armed with *dah* and has been attributed two grievous injuries on the person of complainant making out an offence punishable under Section 326 IPC.

Learned counsel for the petitioner submits that in the FIR petitioner has not been named and the allegations of the complainant that the police is hand-in-glove with petitioner has no basis as on 04.09.2019, name of petitioner was mentioned in the supplementary statement of complainant. It is a clear case of false implication of the petitioner, who is not even resident of area where the complainant lives. The petitioner is also relative of complainant, as such, there could not be any confusion in the mind of complainant while getting the FIR registered.

Learned counsel for the complainant submits that complainant has named all the accused in his statement to the police but FIR was not properly recorded. The complainant moved application before Director, Bureau of Investigation seeking fair investigation. It was at this juncture that police recorded his supplementary statement. The complainant from the very beginning is alleging inaction on the part of police. Even opinion regarding injuries on the person of complainant has not been taken by the police so far. As per certificate issued by doctors of S.P.S. Hospitals, where the complainant was admitted, two injuries on left hand of complainant were grievous in nature.

Keeping in view above facts and that grievous injuries have been attributed to petitioner and recovery of weapon is to be effected by the police, for which his custodial interrogation is required. I find no merit in this petition and the same is dismissed.

September 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No